

Seaman, Katherine

From: Select Board
Sent: Tuesday, November 24, 2009 2:34 PM
To: Seaman, Katherine
Subject: FW: Portable Sign
Attachments: 20091118130719724.tif

From: Kristen [mailto:christlore@gmail.com]
Sent: Tue 11/24/2009 11:55 AM
To: Select Board
Subject: Portable Sign

To whom it may concern,

Vita Nova, at 55 N Pleasant St, is a new non-profit in Amherst. We are renting the building above Stackers from Chick and Suzann Delano. We would like to appeal the denial for a portable a-frame sign as indicated in the attached letter from Bonnie Weeks. This building has a space for a sign on top that is impractical to be utilized by us. The building also has a door that while visible from the street, but is not noticeable enough to generate traffic into our building. As there is only one other a-frame sign near us (at the Monkey Bar and Grill) we feel that our sign will not impede walking traffic or clutter the side walk. Below are listed the main two reasons we would like to be able to have an a-frame portable sign.

Our organization uses the building for an art gallery three days a week and as a religious meeting space once a week. We also host a children's art class once a week as part of the art gallery. Due to the multitude of uses we have for the building a portable a-frame sign would be the most practical option for our organization. Having a changeable portable sign would allow us to announce the different hours when we have the art gallery hours, the children's art class and the religious service with ease. We would only have the sign out during business hours or event hours.

Our door is also hidden between the Stackers bar door and the entrance to Judy's. Both Stackers and Judy's are very noticeable but most people do not even know our door is there or that it is apart of Stackers. We feel that a sign on the door would not generate enough notice from those who would be passing by or trying to find us for a gallery or religious event. The area for a sign on top of the building also is inconvenient for us to change according to use and is not easily noticeable by pedestrians. We feel that a portable a-frame sign would help generate more notice to our building and help people trying to locate us, do so more easily. This would be especially helpful during the Amherst Art Walk, to let those touring the galleries know where we are.

We would applicate your consideration of this matter at your next meeting. Please let us know if you need more information or if a meeting with us is needed.

Thank you for your time.

--

Kristen

Administrative Assistant
Vita Nova
55 N. Pleasant St
Amherst, MA 01002
www.lifefromtheashes.org
413-218-3048

Town of



AMHERST *Massachusetts*

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

INSPECTION SERVICES DEPARTMENT
Phone (413) 259-3030 · Fax (413) 259-2402
Email: inspections@amherstma.gov

November 13, 2009

Kristan L. Brumbaugh
Vita Nova
55 North Pleasant St
Amherst, Ma 01002

Re: Portable sign request

Dear Ms. Brumbaugh,

I have received your application for a portable sign to be located outside 55 North Pleasant Street in Amherst.

As we discussed at our meeting, Vita Nova does not meet all the criteria necessary for a portable sign. The decision that Vita Nova does not meet all the requirements can be appealed to the Selectboard and that the Selectboard does have the authority, under this regulation, "to waive or modify the provisions for compelling reason of public safety, aesthetics and public welfare, in keeping with the purposes of the regulation."

Your application for a portable was denied based on Section 4 of the Portable Sign regulations.

Section 4 of the Portable sign regulations state that the following criteria must be met for an annual portable sign:

Except as hereinafter noted only businesses or organizations whose premises are without street-level or street frontage exposure for permanent signs on private property, and which are not readily visible from adjacent public ways, and which meet the following additional criteria shall be eligible for the following types of portable sign permits at the following fees:

4.0 Annual Permits

4.00 Town Center. Annual portable sign permits may be issued to eligible applicants whose premises are located in the town center, at a fee of 75.00. For the purposes of these regulations, any business or organization located in the following area shall be eligible for a town center portable sign permit: the General Business (B-G) and abutting Limited Business (B-L) zoning districts on Amity Street, Main Street, Pleasant Street(s), Kellogg Avenue, Cowles Lane, Hallock Street, Pray Street or Triangle Street.

Although you meet some of the above criteria , i.e. the space in question is:

1. Located in the B-G District on North Pleasant Street
2. The unit is not at street level

The following requirement has not been met:

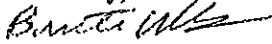
3. No street frontage exposure for permanent sign on private property.

It appears from the documentation submitted that permanent signs, visible from North Pleasant Street, could be located attached to the building at 55 North Pleasant Street, thereby providing street frontage exposure. The frame for a former sign, above the porch roof, is clearly visible in one of the pictures submitted. Signs could also be installed at the enclosed porch level that would provide exposure on North Pleasant Street.

In addition to the above an accurate site plan (suggested scale:1"=40') showing the proposed sign location, all buildings, roads and driveways, sidewalks and other applicable site features, as well as all existing portable signs within 100' of the proposed site was not submitted with the application as required in section 3 of the portable sign regulations making it difficult to determine if signage could be supplied at street level.

As stated earlier you can appeal this denial to the Selectboard and the Selectboard does have the right to waive these requirements under the conditions stated above.

Sincerely,



Bonita Weeks

Building Commissioner

Zoning Enforcement

From: Weeks, Bonita
Sent: Monday, November 30, 2009 11:39 AM
To: Shaffer, Larry; O'Keefe, Stephanie
Cc: 'SMTP:CHRISTLORE@GMAIL.COM'; Ziomek, David
Subject: RE: sign appeal

Dear Mr. Shaffer and Ms. O'Keefe,

In accordance with the portable sign regulations section 3.3 Appeal:

3.30 Any person aggrieved by a decision of the Building Commissioner under this regulation has recourse to appeal to the Select Board within 30 working days of the decision. The appeal shall be submitted to the Select Board in writing and fully describe the basis for the grievance and any requested remedy

Once an appeal has been filed in writing:

3.31 The Select Board shall hold a public hearing on said appeal within 30 working days of its receipt, legal notice of which shall be published at least 48 hours in advance of said hearing in a newspaper of local circulation. After the hearing the Select Board shall have fourteen (14) working days within which to file a written ruling overturning, amending or upholding the appealed decision of the Building Commissioner. Written notice of said ruling shall be transmitted to the appellant and the Building Commissioner

It is important to note that the Select Board has the right to waive or modify (under section 3.4) any of the provisions of the portable sign regulations for "compelling reasons of public safety, aesthetics and the public welfare, in keeping with the purposes of these regulations.

I have attached a copy of the Portable Sign Regulations.

Portable signs under this regulation are signs within the public way. That is why the appeal is to the Select Board rather than the Zoning Board of Appeals. These regulations are authorized through M.G.L. as Town By-Laws not as Town Zoning Regulations.

Please contact me with any other questions you may have with regard to the above.

Sincerely,

Bonita Weeks



Town of Amherst, Massachusetts PORTABLE SIGN REGULATIONS

1. Purpose & Authority.

- 1.0 Purpose. These regulations are promulgated to protect the health, safety and welfare of the citizens of Amherst, to preserve and protect the visual character of the public landscape, to promote the economic viability of Amherst's centers and other business districts, and to address the needs of Amherst businesses regarding signs within the public way. For the purpose of these regulations, a portable sign shall be defined as any portable, free-standing advertising device not permanently attached to a building, structure or the ground. These regulations shall apply only to portable signs in the public way.
- 1.1 Authority. These regulations are enabled under the Massachusetts General Laws, Chapter 85, Sections 8 and 9, as amended, and the General Bylaws of the Town of Amherst, Massachusetts, Article III, Regulation of Particular Activities and Devices, Regulation of Signs, (ATM, March 20, 1939 - Article 12), as amended. Section 13., f., of these regulations reference Article 8, Sign Regulations, of the Amherst Zoning Bylaw.

2. General Requirements.

- 2.0 Locating a portable sign in the public way shall require the following:
- 2.00 Portable Sign Permit. An annual or temporary portable sign permit authorized by the Select Board under the General Bylaws of the Town of Amherst and issued by the Building Commissioner or his/her designee. Any person aggrieved by a decision of the Commissioner regarding such a permit shall have recourse to appeal said decision to the Select Board.
- 2.01 Design Review. Design Review Board review of the design of proposed portable signs shall be required for all annual portable sign permit applications where the premises are located within the town center jurisdiction of the Design Review Board (DRB) and/or within a National Historic Register District. In conducting its review, the DRB shall apply the design review principles and standards in Section 3.204 of the Amherst Zoning Bylaw and the guidelines in Section 12. of these regulations. The DRB may recommend alterations to the proposed sign design or location.

issuance of any portable sign permit as he/she may deem necessary to fulfill the purposes and requirements of these regulations.

3.3 Appeal.

3.30 Any person aggrieved by a decision of the Building Commissioner under these regulations shall have recourse to appeal to the Select Board within thirty (30) working days of said decision. Any such appeal shall be submitted to the Select Board in writing, and shall fully describe the basis for the grievance and any requested remedy.

3.31 The Select Board shall hold a public hearing on said appeal within thirty (30) working days of its receipt, legal notice of which shall be published at least 48 hours in advance of said hearing in a newspaper of local circulation. After the hearing, the Select Board shall have fourteen (14) working days within which to file a written ruling overturning, amending or upholding the appealed decision of the Building Commissioner. Written notice of said ruling shall be transmitted to the appellant and the Building Commissioner.

3.4 Waiver. Any provision of these regulations may be waived or modified by the Select Board for compelling reasons of public safety, aesthetics and the public welfare, in keeping with the purposes of these regulations.

4. Permit Types & Fees.

Except as hereinafter noted, only businesses or organizations whose premises are without street-level or street frontage exposure for permanent signs on private property, and which are not readily visible from adjacent public ways, and which meet the following additional criteria, shall be eligible for the following types of portable sign permits at the following fees:

4.0 Annual Permits

4.00 Town Center. Annual portable sign permits may be issued to eligible applicants whose premises are located in the town center, at a fee of \$75.00. For the purposes of these regulations, any business or organization located in the following area shall be eligible for a town center portable sign permit: the General Business (B-G) and abutting Limited Business (B-L) zoning districts on Amity Street, Main Street, Pleasant Street(s), Kellogg Avenue, Cowles Lane, Hallock Street, Pray Street or Triangle Street.

4.01 Village Center. Annual portable sign permits may be issued to eligible applicants whose premises are located in a Village Center Business (B-VC) zoning district, at a fee of \$75.00.